

SAN BERNARDINO COUNTY SHERIFF COURT SERVICES

REQUIREMENTS FOR REAL ESTATE LEVY

THE FOLLOWING INFORMATION SHOULD BE REVIEWED IN ORDER TO EXPEDITE A PROPER LEVY ON REAL ESTATE.

The Sheriff must have written and signed instructions from the attorney for the plaintiff or from the plaintiff if he/she has no attorney. The instructions must:

1. **Direct the Sheriff to Levy and Sell** the interest of the defendant(s) named on the writ or the debtor(s) real property listed on a writ of execution. If multiple defendants, the instructions must state whose interest is to be levied on.
2. **Must contain the legal description**, the description shall include: lot, tract, book and a page number or book page, block, parcel and lot numbers. To levy on a portion of a lot, it is necessary to include metes and bounds or the parcel number to define the exact portion of the lot. A **common address is needed** (e.g., number, street, city, state and zip code). If no common address exists, then provide a **marked** parcel map of the legal description.
3. **Include the name(s) and addresses of all owners of record**, even if they are named defendants. The names of the owners of record should be stated exactly as they stand in the County Recorder's office. In a levy on real property containing a dwelling house, a statement that a search of records of the County Tax Assessors Office was made and the instructions must list the names and addresses of all parties shown on the Assessor's rolls.

The Sheriff must have the **original writ** and a minimum of **six completed copies**.

- a). Extra copies are necessary for any additional posting of owner of record.
- b). A charge of \$.50 will be made for each side of a writ copied.

The Sheriff must have the proper advance fee deposit.

- a). **\$1,000.00 "Levy and Sell"**
- b). Check made payable to **COUNTY RECORDER** in the amount "**not to exceed \$75.00**"
- c). Under special circumstances, **additional** fees may be required.

Contact the Sheriff's Court Services Division nearest the property to be levied on if you require any additional information.